

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EGLON BASCOM

02 677
COMPLAINT

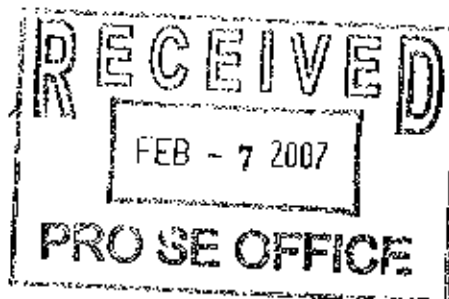
NAME OF PLAINTIFF(S)

GERSHON, J

ETHAN FRIED

BLOOM, M.J.

THE BROOKDALE HOSPITAL



NAME OF DEFENDANT(S)

This action is brought for discrimination in employment pursuant to (check only those that apply):

☒

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

☐

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.

☐

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117 (amended by the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

Jurisdiction is specifically conferred upon this United States District Court by the aformentioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, and any related claims under New York law.

1. Plaintiff resides at:

636 E. 34TH STREET
Street Address
KING'S, NY, 11203, 718-493-7814
County State Zip Code Telephonic Number

2. Defendant(s) resides at, or its business is located at:

ONE BROOKDALE PLAZA
Street Address
KING'S, BROOKLYN, NY, 11212-3198
County City State Zip Code

3. The address at which I sought employment or was employed by the defendant(s) is:

ONE BROOKDALE PLAZA
Street Address
KING'S, BROOKLYN, NY, 11212-3198
County City State Zip Code

4. The discriminatory conduct of which I complain in this action includes (check only those that apply).

☐ Failure to hire.
☐ Termination of my employment.
☐ Failure to promote.
☐ Failure to accommodate my disability.
☐ Unequal terms and conditions of my employment.
☒ Retaliation
☒ Other acts (specify): NEGATIVE PROFESSIONAL REFERENCES

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

5. It is my best recollection that the alleged discriminatory acts occurred on:

DEC 14TH 2006
Date(s)

6. I believe that the defendant(s) (check one)

☒ is still committing these acts against me.
☐ is not still committing these acts against me.

7. Defendant(s) discriminated against me based on my:
(check only those that apply and state the basis for discrimination, for example, what is your religion, if religious discrimination is alleged)

☒ race BLACK ☐ color _____
☐ gender/sex _____ ☒ religion CHRISTIAN
☒ national origin GUAYANA, SOUTH AMERICA
☐ age _____ My date of birth is: _____
Date
☐ disability _____

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

8. The facts of my case are as follows:

PLEASE REFER TO ATTACHED SHEETS

(Attach additional sheets as necessary)

Note: As additional support for your claim, you may attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights, or the New York City Commission on Human Rights.

9. It is my best recollection that I filed a charge with the New York State Division of Human Rights or the New York City Commission on Human Rights regarding defendant's alleged discriminatory conduct on: _____.

Date

10. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: 12/28/2006

Date

Only litigants alleging age discrimination must answer Question #11.

11. Since filing my charge of age discrimination with the Equal Employment Opportunity

Commission regarding defendant's alleged discriminatory conduct (check one),

☐ 60 days or more have elapsed.

☐ less than 60 days have elapsed.

12. The Equal Employment Opportunity Commission (check one):

☐ has not issued a Right to Sue letter.

☒ has issued a Right to Sue letter, which I
received on 1-22-2007.
Date

NOTE: Attach a copy of the Right to Sue Letter from the Equal Employment Opportunity Commission to this complaint.

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, costs, and attorney's fees.

Egleh D. Lescan
PLAINTIFF'S SIGNATURE

Dated: 2/7/2007

636 E 34TH STREET
Address
BROOKLYN NY 11203
718-493-7814
Phone Number

February 7th 2007

636 E. 34th Street
Brooklyn, NY 11203

To whom it may concern:

I, Eglon Bascom, am the plaintiff in this complaint. I have been discriminated against by the Racist defendants because of national origin, race (African American) and religion (Christian). The Defendants, Ethan Fried and other Attending Physicians, are white and Jewish.

The Defendants terminated my employment without due process and got me fired from the subsequent place of employment in the process of committing federal postal fraud.

They continued by giving negative professional references that rose to the level of defamation of character to all prospective employers, based on fraudulent information. That effectively prevented me from employment and constituted a violation of my bill of rights.

A law suit was filed in this Court and was subsequently dismissed as untimely with respect to the Federal claims and the filing of the charge with the EEOC, while supplemental judgment was declined in the State Breach of contract claim. The case was ruled closed.

The problem is at this point, I am still not able to gain employment and was recently rejected (December 2006) by an Employer because of the Defendants malicious behavior, specifically the fraudulently based negative professional letters out there.

I immediately reported this matter to the EEOC and filed a charge.

They investigated the incident and issued a notice of my suit rights with the instructions to file a lawsuit within 90 days.

I am requesting that this Court grant me relief from this unlawful burden and further relief that may be just and proper to include: 1. A letter of Apology from Ethan Fried and one from the current CEO of Brookdale Hospital (in other words, two independent letters) demonstrating honesty, logical thinking and congruence between thought and action; along with a statement denouncing racism and the oppression of people of color.

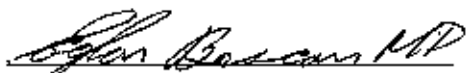
2. A permanent injunction. 3. \$300 Million dollars. 4. Punitive damage award.

5. Sponsor additional training in Ophthalmology with housing accommodations.

6. Change the "Marginal" reported to the American Board of Internal Medicine to "Satisfactory" as was indicated on the certificate issued to me from Brookdale Hospital.

7. I want an immediate monetary advancement for outstanding debts and collections.

Respectfully submitted,



Eglon Bascom, MD Pro-Se Plaintiff



U.S. Equal Employment Opportunity Commission
New York District Office - 520

33 Whitehall Street
5th Floor
New York, NY 10004
(212) 336-3620
TDD: 1-800-669-8820
FAX (212) 336-3625
1-800-669-4000

Respondent: BROOKDALE HOSPITAL
EEOC Charge No.: 520-2007-01189
FEPA Charge No.:

January 09, 2007

Eglen Bascom
636 East 34th Street
Brooklyn, NY 11203

Dear Dr. Bascom:

This is to acknowledge receipt of the above-numbered charge of employment discrimination against the above-named respondent. Please use the "EEOC Charge No." listed above whenever you call us about this charge. The information provided indicates that the charge is subject to:

- ☒ Title VII of the Civil Rights Act of 1964 (Title VII)
- ☐ The Age Discrimination in Employment Act (ADEA)
- ☐ The Americans with Disabilities Act (ADA)
- ☐ The Equal Pay Act (EPA)

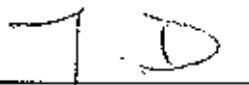
You need do nothing further at this time. We will contact you when we need more information or assistance. A copy of the charge or notice of the charge will be sent to the respondent within 10 days of our receipt of the charge as required by our procedures.

- [X] Please be aware that we will send a copy of the charge to the agency listed below as required by our procedures. If the charge is processed by that agency, it may require the charge to be signed before a notary public or an agency official. Then the agency will investigate and resolve the charge under their statute. If this occurs, section 1601.76 of EEOC's regulations entitles you to ask us to perform a Substantial Weight Review of the agency's final finding. To obtain this review, a written request must be made to this office within 15 days of receipt of the agency's final finding in the case. Otherwise, we will generally adopt the agency's finding as EEOC's.

New York State Division Of Human Rights
Federal Contract Unit
One Fordham Plaza, 4 Fl.
Bronx, NY 10458

Please notify this office of any change in address or of any prolonged absence from home. Failure to cooperate in this matter may lead to dismissal of the charge.

Sincerely,



John B. Douglass
Supervisory Investigator
(212) 336-3765

Office Hours: Monday - Friday, 8:30 a.m. - 5:00 p.m.
www.eeoc.gov

Enclosure(s)

cc:

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974: See Privacy Act Statement before completing this form.

AGENCY

CHARGE NUMBER



FEPA



EEOC

520-2007-01189

and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

HOME TELEPHONE (Include Area Code)

EELON BASCOM, MD

718-493-7814

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

686 E 34TH STREET BROOKLYN NY 11203

04/13/1959

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

THE BROOKDALE HOSPITAL

2000+

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

BROOKLYN, NY

KINGS COUNTY

NAME

TELEPHONE NUMBER (Include Area Code)

ETHAN FRIED

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

BROOKLYN, NY

KINGS COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

DATE DISCRIMINATION TOOK PLACE

EARLIEST

LATEST

☒ RACE ☐ COLOR ☐ SEX ☒ RELIGION ☒ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify)

DEC 1998

DEC 2006

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

ETHAN FRIED of THE BROOKDALE HOSPITAL Misrepresented the promotion Council Committee findings... stating that I wasn't promoted. They then wrongfully terminated my employment (fired without due process) and proceeded to block all attempts by me to gain employment. They even violated Federal protections when they use fraudulent information to have me terminated in 2001 from Cabini Hospital. Recently this month, they stopped me again in this continuing discrimination from being employed.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - Notary Public, State of New York
 Qualified in Kings County
 Commission Expires 7/19/2009 *Monica R. Yellin*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

Egon Bascom

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (Day, month, and year)

28 12 06

Date *12/28/2006* Charging Party (Signature)



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
(212) 336-3620
TTY (212) 336-3622
General FAX (212) 336-3625

January 16, 2007

Mr. Eglon Bascom, MD
636 East 34th Street
Brooklyn, NY 11203

Re: Bascom v. Brookdale Hospital
EEOC Charge No.: 520-2007-01189

Dear Mr. Bascom:

The EEOC has concluded its inquiry into your allegations of discrimination against Brookdale Hospital ("Respondent"). Under the Equal Employment Opportunity Commission's (EEOC) charge prioritization procedures, we focus our resources only on those charges that are most likely to result in findings of violations of the laws we enforce. In accordance with these procedures, the EEOC has evaluated this charge based on the information you provided.

You alleged that you were discriminated and retaliated against by the Respondent because of your race and national origin, African American, and because of your religion, Anglican, in violation of Title VII of the Civil Rights Act of 1964, as amended. More specifically, you alleged that you were treated differently in the terms and conditions of employment than other White, Jewish employees because you are not Jewish, and because you are Black. You also alleged that you were denied a promotion and eventually you were wrongfully terminated by Respondent in retaliation for complaining against unlawful discrimination in the workplace. You claim that Respondent continues to retaliate against you by given negative professional references to prospective employers.

Bascom v. Brookdale Hospital

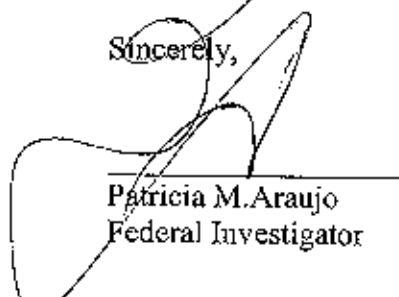
EEOC Charge No.: 520-2007-01189

Page 2 of 2

Based upon the information provided by you regarding your allegations of race, national origin and religious discrimination and retaliation, the Commission is unable to conclude that the information establishes violations of the statutes. This does not certify that the Respondent is in compliance with the statutes. No finding is made as to any other issue that might be construed as having been raised by this charge.

Even though you may disagree, it is unlikely that EEOC would find a violation if it invested additional resources. Thus, the EEOC's processing of this charge has been concluded. Included with this letter is your Notice of Dismissal and Right to Sue. Following this dismissal, you may only pursue this matter by filing suit against the Respondent named in the charge with 90 days of receipt of said notice. Otherwise, your right to sue will be lost.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patricia M. Araujo', is written over a horizontal line. The signature is stylized with a large loop at the end.

Patricia M. Araujo
Federal Investigator

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Eglen Bascom**
636 East 34th Street
Brooklyn, NY 11203

From: **New York District Office - 520**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2007-01189

Patricia M. Araujo,
Investigator

(212) 336-3681

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.



While reasonable efforts were made to locate you, we were not able to do so.



You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Enclosures(s)

Spencer H. Lewis, Jr.,
Director

1-22-2007

(Date Mailed)

cc: **BROOKDALE HOSPITAL**
Director, Human Resources
One Brookdale Plaza
Brooklyn, NY 11212

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit before 7/1/02 -- not 12/1/02 -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.